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VIA ECF

The Honorable Mary Kay Vyskocil, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street, Room 2230
New York, New York 10007

Re: Penske Media Corp. v. Shutterstock, Inc., 20-cv-04583 (MKV)

Dear Judge Vyskocil:

We are counsel for defendant-counterclaim plaintiff Shutterstock, Inc. (“Shutterstock”) and submit this letter pursuant to Paragraph 9(B) of this Court’s Individual Rules of Practice in Civil Cases, the Court’s Standing Order 19-mc-00583, and ECF Rules & Instructions Section 6. Specifically, Shutterstock seeks the Court’s approval to publicly file redacted copies of Shutterstock’s letter in response to plaintiff-counterclaim defendant Penske Media Corporation’s (“PMC”) letter regarding its anticipated motion for partial summary judgment (“Response Letter”) and counterstatement to PMC’s anticipated Rule 56.1 statement (“Counterstatement”).

Shutterstock’s Response Letter and Counterstatement each contain information that PMC and/or Shutterstock have designated as “Confidential” and/or “Attorneys’ Eyes Only” pursuant to the Protective Order (Dkt. No. 72), including, for example, various email communications and documents produced by both parties and the deposition transcripts of both parties’ witnesses.

Shutterstock has publicly filed the Response Letter and Counterstatement with the proposed redactions. Shutterstock has also electronically filed under seal copies of the unredacted Response Letter and Counterstatement with the proposed redactions highlighted.

We endeavored to narrowly tailor the proposed redactions to protect only the information that truly is confidential. However, given the significant burden in responding in just three business days to PMC’s 32-page, 150-paragraph anticipated Rule 56.1 Statement which contained a substantial amount of confidential material,¹ Shutterstock erred on the side of over-redacting to avoid the risk of inadvertent disclosure of confidential information.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'EML', with a stylized flourish extending to the right.

Eleanor M. Lackman

¹ PMC has also sought to file its letter and anticipated Rule 56.1 statement under seal. See Dkt. No. 111 (sealing request); Dkt. No. 112, 112-1 (highlighting proposed redactions). Notably, PMC’s redactions are not narrowly tailored and seek to protect information which already appears on the public docket. See, e.g., Dkt. No. 112-1, ¶ 113 (seeking to redact non-financial terms of Section 3(a)(ii)-(iii) of the Archive & Event Agreement); cf. Dkt. No. 22-1 (public filing of Archive & Event Agreement with all non-financial terms left unredacted).